

REMARKS

The Office Action of September 25, 2007 has been reviewed and the Examiner's comments carefully considered. The present Amendment amends claims 36, 38, 48 and 49 in accordance with the specification and drawings as originally filed. No new matter has been added. Accordingly, claims 21-25, 27, 30, 31, 36-38, 48 and 49 are pending in this application, and claims 48 and 49 are in independent form.

Interview of January 10, 2008

The Applicants would like to thank Examiner Chin for the courtesies extended to the Applicants' representative during the telephonic interview of January 10, 2008. During the interview, the Examiner explained that he had rejected independent claims 48 and 49 because these claims did not show how the detector molecule and the signal material were positioned within the biosensor. The Examiner further indicated that these rejections could be overcome by amending the claims to more clearly indicate the structural interrelation between the detector molecule and signal material and the biosensor. Accordingly, independent claims 48 and 49 have been amended hereinabove. The amendments to claims 48 and 49 were faxed to Examiner Chin on January 21, 2008. In a voice mail received January 24, 2008, Examiner Chin indicated that such amendments would overcome the rejections discussed in detail hereinafter.

35 U.S.C. §112 Rejections

Claims 21-25, 27, 30, 31, 36-38, 48 and 49 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Specifically, the Examiner has rejected claim 36 as being vague because the language "the primary container" lacks proper antecedent basis. The Examiner has also rejected claim 38 as being vague because the language "the external sensing" also lacks proper antecedent basis. The Applicants believe that the above amendments to claims 36 and 38 overcome the Examiner's indefiniteness rejections.

The Examiner has also rejected independent claims 48 and 49 as being vague because it is purportedly not clear as to where the detector molecule and signal material are located in the claimed sensor device.

The amendments to claims 48 and 49 require the detector molecule and signal material to be attached to a surface of the biosensor. This amendment to claims 48 and 49 overcomes the Examiner's indefiniteness rejections. Support for this Amendment can be found in paragraph [0039] of the specification of the present application which provides that "[b]iosensors often contain two active elements; namely, the detector material(s) and the signal material(s), which frequently are combined within a combination molecule", and in paragraph [0041] of the specification of the present application which further describes that "[d]etector molecules can be attached to the surface of the biosensor (e.g., plastic or glass bead) by simple adsorption, direct covalent attachment, or via an affinity tag ... Alternatively, the solid surface might be pre-coated with lipids and then lipophilic ligand-detector molecules partitioned therein ... If not in a combination molecule with the detector material, the signal material must respond to the change in status of the detector material (occupied vs. unoccupied) and the change in the signal must be a change in a characteristic absorption or emission property within the electromagnetic spectrum".

Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Conclusion

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 21-25, 27, 30, 31, 36-38, 48 and 49 are respectfully requested.

Respectfully submitted,

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